

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Updating the Intercarrier Compensation Regime	)	WC Docket No. 18-155
to Eliminate Access Arbitrage	)	

**REPLY COMMENTS OF THE  
SOUTH DAKOTA TELECOMMUNICATIONS ASSOCIATION**

The South Dakota Telecommunications Association (SDTA) hereby submits Reply Comments in the above caption proceeding to respond specifically to comments filed therein by Comtech Telecommunications, Inc. (“Comtech”) on July 20, 2018. Comtech speciously contends that SDN Communications, Inc. (“SDN”) and rural local exchange carriers (“RLECs”) in South Dakota are attempting to engage in “access arbitrage” in relation to the transmission of originating 9-1-1 calls, and erroneously argues that the Commission may in this rulemaking proceeding appropriately take action to address and resolve an ongoing dispute involving rural telephone companies throughout South Dakota and Comtech (and its affiliate NextGen Communications, Inc.) over carrier meet points and transport responsibilities for 9-1-1 traffic. As discussed below, neither assertion is correct.

SDTA is an incorporated organization representing the interests of numerous cooperatives, independents, and municipal telephone companies operating throughout the State of South Dakota. All SDTA member companies operate as RLECs or “rural telephone companies” for purposes of the Federal Telecommunications Act of 1996 and the related state laws enacted in 1998 addressing local exchange service competition. As rural telephone companies engaged in the provisioning of voice communication services to local

end user subscribers, every SDTA member company is involved in the origination of 911 calls destined for Public Safety Answering Points (PSAPs) located throughout the State of South Dakota.

Regarding Comtech's comments and its claims concerning 9-1-1 traffic originated from RLEC end user customers, there is absolutely no basis for Comtech to reasonably contend that the RLECs and SDN Communications, in seeking to establish the necessary interconnection arrangements for Next Generation 9-1-1 (NG911) services, are engaged in "access arbitrage" or "access stimulation." Comtech's comments are replete with inaccurate and misleading statements concerning the network transmission services at issue and the substance of the 9-1-1 related dispute between the affected parties. Contrary to what Comtech's comments suggest, the dispute involves only originated local 9-1-1 calls which, as local traffic, are covered by end user "exchange service charges" and not even subject to either access or toll service charges. The dispute also does not relate to the provisioning of shared or common switched transport services, but instead concerns the provisioning of dedicated, direct trunked transport services between Comtech-designated points of presence in Sioux Falls and/or Rapid City and meet points within established RLEC service or study areas. Further, neither RLECs nor SDN are requiring that Comtech utilize SDN and its Centralized Equal Access ("CEA") switching services (services used for long distance or toll traffic) in order to receive originated 9-1-1 calls from the RLEC service areas. And, the RLECs are not dictating to Comtech which of any available intermediate carrier transport services it should use to establish direct trunk facilities into local exchange switching facilities for purposes of receiving 9-1-1 calls into the State's planned NG911 system.

As indicated in several South Dakota Public Utilities Commission (“SDPUC”) proceedings involving Comtech (through its affiliate NextGen Communications, Inc.) beginning in 2015, the dispute between the SDTA member RLECs and Comtech over 9-1-1 services connectivity does not in any way involve the assessment of per minute access charges or use of CEA services provided by SDN . Rather, unresolved issues between the affected parties relate to the network meet points that should be used for the purposes of 9-1-1 traffic connectivity and how transport responsibilities and costs (for transport facilities between RLEC local exchange networks and centralized points of interconnection in Sioux Falls and Rapid City, South Dakota) should be assigned and recovered.<sup>1</sup>

Although Comtech’s comments suggest otherwise, the SDPUC has, in part, recently addressed the pending 9-1-1 dispute, issuing a Declaratory Ruling in Docket TC18-013 on June 29, 2018 which clarifies that “when a competitive local exchange carrier is requesting delivery of 9-1-1 traffic from a rural exchange carrier, it must submit a bona fide request for interconnection as contemplated in both state and federal law and file a copy of the request with the Commission.”<sup>2</sup> This ruling by the SDPUC is consistent with the position argued by the RLECs, and assuming Comtech now proceeds in a manner consistent with this issued Declaratory Ruling, formal interconnection requests for the network services

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<sup>1</sup> SDPUC Docket TC15-062, In the Matter of the Application of NextGen Communications, Inc. for a Certificate of Authority to Provide Local Exchange Services and Interexchange Long Distance Services in South Dakota, Order Granting Certificate of Authority and Waiver issued Dec. 23, 2015; SDPUC Docket TC17-063, In the Matter of the Petition for a Declaratory Ruling by Department of Public Safety/911 Coordination Board regarding Determining Responsibility for Rural Carrier Interconnection to the Next Generation 9-1-1 System, Order Dismissing Petition for Declaratory Ruling issued April 30, 2018; and SDPUC Docket TC18-013 - In the Matter of the Petition by the Department of Public Safety/9-1-1 Coordination Board for a Declaratory Ruling Determining Competitive Local Exchange Carrier Processes for Requesting 9-1-1 Traffic Delivery from Rural Local Exchange Carriers, Order Denying Motion to Dismiss; Declaratory Ruling Regarding Competitive Local Exchange Carrier Processes for Requesting 9-1-1 Traffic Delivery from Rural Local Exchange Carriers; Notice of Entry issued June 28, 2018.

<sup>2</sup> Id., See Order Denying Motion to Dismiss; Declaratory Ruling Regarding Competitive Local Exchange Carrier Processes for Requesting 9-1-1 Traffic Delivery from Rural Local Exchange Carriers; Notice of Entry, p. 2.,

should be presented and the interconnection negotiation, mediation and arbitration procedures applying to local interconnection services may be utilized to address the, as of yet, unresolved 9-1-1 transport issues.<sup>3</sup>

As noted above and as is clear from even a brief review of the cited SDPUC proceedings, the issues raised by Comtech relating to its deployment of NG911 and transport responsibilities between it (as a competitive local exchange carrier) and other carriers rest firmly outside the legal scope of this proceeding and, accordingly, the comments of Comtech should be summarily disregarded.

Respectfully submitted,  
**SOUTH DAKOTA  
TELECOMMUNICATIONS ASSOCIATION**

By: \_\_\_\_\_

Richard D. Coit, General Counsel  
SDTA  
320 East Capitol Avenue  
P.O. Box 57  
Pierre, South Dakota 57501-0057

Salvatore Taillefer, Jr.  
Counsel to SDTA  
Blooston, Mordkofsky, Dickens, Duffy &  
Prendergast, LLP  
2120 L Street NW, STE 300  
Washington, D.C. 20037

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<sup>3</sup> See 47 U.S.C. §§ 251 and 252, the provisions of 47 U.S.C. § 251(f)(1)(A) give State commissions authorization to determine specifically whether “bona fide requests” for interconnection services or network elements set forth in 47 U.S.C. § 251(c) are for a rural telephone company “unduly economically burdensome . . . “technically feasible” . . . and “consistent with section 254” of the Act.